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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/810,539   | 03/26/2004  | Terry Monroc         | 020569-07100<br>(P202-1286-U) | 8945             |
| 71762  | 7590        | 09/05/2007           | EXAMINER                      |                  |
| JONES & SMITH, LLP<br>2777 ALLEN PARKWAY<br>SUITE 800<br>HOUSTON, TX 77019 |             |                      | BATES, ZAKIYA W               |                  |
|  |             |                      | ART UNIT                      | PAPER NUMBER     |
|  |             |                      | 3676                          |                  |
|  |             |                      | MAIL DATE                     | DELIVERY MODE    |
|  |             |                      | 09/05/2007                    | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/810,539 | Applicant(s)<br>MONROE ET AL. |  |
|                              | Examiner<br>Zakiya W. Bates   | Art Unit<br>3676              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04302007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dawson et al. (US 6,793,018).

Each reference discloses a method that includes, with respect to claim 1, a method of forming a blocking gel within a subterranean formation, the method comprising the steps of: forming a base fluid by blending an aqueous fluid and carboxymethyl guar; adding a crosslinking agent to the base fluid to form a crosslinkable gel; and pumping the crosslinkable gel into the subterranean formation at a rate sufficient to form a blocking gel, wherein the blocking gel acts as a barrier and thereby temporarily isolates the producing zone within the formation. With respect to claim 9, the references each disclose a method that includes a method of forming a blocking gel within a wellbore, the method comprising the steps of: forming an aqueous base fluid comprising between from about 40 to about 120 pounds of carboxymethyl guar per 1000 gallons of aqueous fluid; adding to said aqueous base fluid a crosslinking agent to form a gelled crosslinkable fluid, the pH of the gelled crosslinkable fluid being

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between 4 and 11 (col. 5, line 62 - col. 6, line 8) and pumping the gelled crosslinkable fluid into a subterranean formation adjacent the wellbore, wherein the gelled crosslinkable fluid forms a barrier within the formation when the temperature in the wellbore is greater than 125°F (col. 6, lines 21-31). With respect to claim 15, the references each disclose a method that includes a method of forming a blocking gel within a wellbore within a subterranean formation, the method comprising the steps of: forming a crosslinkable gel comprising carboxymethyl guar and a crosslinking agent and pumping the crosslinkable gel into a subterranean formation adjacent the wellbore and forming the blocking gel within the formation. With respect to claim 18, the references each disclose a method that includes a method of controlling fluid loss within a wellbore in a subterranean formation during drilling, completion and/or workover operations which comprises: forming a gelled, aqueous base crosslinkable fluid comprising carboxymethyl guar and a crosslinking agent; pumping the crosslinkable fluid into a subterranean formation after a drilling, completion, or workover procedure; and forming a blocking gel within a wellbore within the subterranean formation. With respect to the depending claims, the references individually teach the limitations as claimed. See the document in its entirety, especially col. 4, lines 32-37 (or col. 8, lines 61-66), col. 5, line 15 - col. 6, line 55 and Table 1.

### ***Response to Arguments***

3. Applicant's arguments filed 4/30/07 have been fully considered but they are not persuasive. Applicant argues that the reference teaches the use of a fracturing fluid and

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not a blocking gel as claimed. However, the reference teaches in col. 4, lines 32-37 (or col. 8, lines 61-66) that the treatment fluid can be used for such purposes.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

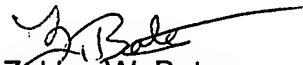
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Zakiya W. Bates  
Primary Examiner  
Art Unit 3676

zb  
August 27, 2007